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## PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

ITL.0182US (P6867)

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on October 10, 2005

Signature Janice Munoz

Typed or printed name Janice Munoz

Application Number

09/364,835

Filed

July 30, 1999

First Named Inventor

Baiju V. Patel et al.

Art Unit

2135

Examiner

Leynna A. Ha

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

☒ attorney or agent of record. 40,779  
Registration number \_\_\_\_\_

☐ attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34 \_\_\_\_\_

Signature

Fred G. Pruner, Jr.

Typed or printed name

(713) 468-8880

Telephone number

October 10, 2005

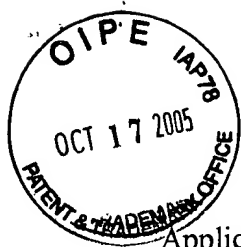
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Baiju V. Patel et al.	§	Group Art Unit:	2135
Serial No.:	09/364,835	§	Examiner:	Leynna A. Ha
Filed:	July 30, 1999	§	Assignee:	Intel Corporation
For:	Technique And Apparatus For Processing Cryptographic Services Of Data In A Network System	§	Atty. Dkt. No.:	ITL.0182US (P6867)

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REASONS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Dear Sir:

Applicant seeks pre-appeal review of the rejections of claims 1-5, 13-20 and 28-37.

Claims 1-7, 16-20 and 27-37 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Caputo; and claims 13-15 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Abadi. The § 102 rejections are addressed below.

**§ 102 Rejections of Claims 1-7, 16-20 and 27-37:**

The method of independent claim 1 includes determining a security service to perform with a data block and generating security information to pass along with the data block. The security information identifies the security service. The method includes using a computer peripheral device that is adapted to control communication with a communications channel to select the security service from other security services based on the security information. The data block is processed in the computer peripheral device according to the security information.

Date of Deposit: October 10, 2005

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Janice Munoz

Independent claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Caputo. Caputo discloses in lines 44-50 of column 5 and in lines 7-16 of column 6, that a plurality of encryption and authentication algorithms may be chosen for a particular implementation of its authenticating/encrypting device. However, there is no teaching or even a suggestion in Caputo regarding generating security information that is passed along with a data block, which identifies a security service to be performed on the data. Furthermore, there is no teaching or suggestion in Caputo of a computer peripheral device that selects the security service from other security services based on the security information.

In the Final Office Action, the Examiner contends that lines 1-18 in column 6 of Caputo teaches generating security information that is passed along with a data block and identifies a security service to be performed on the data block. However, this language merely teaches 1.) processing of a data by a plurality of authentication algorithms; and 2.) transmitting the data that is processed to a recipient. There is, however, no teaching or suggestion in this cited language or any other language of Caputo regarding the acts of generating and using that are explicitly set forth in independent claim 1. As such, Caputo fails to anticipate independent claim 1.

The controller of independent claim 16 includes a receiving circuit to receive data and associated security control information. The security control information identifies a security service to be performed on the data. The controller also includes cryptographic engine to select the security service from other security services based on the security control information and cryptographically process the data based on the selection. The cryptographic engine, as recited in claim 16, is a computer peripheral device.

For similar reasons that are set forth above in the discussion of independent claim 1, Caputo fails to teach or even suggest a receiving circuit that receives data and associated security control information, where the security control information identifies a security service to be performed on the data. Furthermore, Caputo fails to teach or even suggest a cryptographic engine that selects a security service from other security services based on this security control information. Therefore, for at least any of these reasons, Caputo fails to anticipate independent claim 16.

The method of independent claim 28 includes generating security information to pass along with a data block. The security information identifies at least one of an encryption algorithm and an authentication algorithm to be performed by a security service.

There is no teaching or even a suggestion in Caputo regarding security information that is passed along with a data block, which identifies at least one of an encryption algorithm and an authentication algorithm to be performed by a security service on the data block. Instead of such a teaching, Caputo merely teaches the use of a plurality of authentication algorithms and the communication of a data block. However, the generation of security information to pass along with a data block is neither taught nor suggested by Caputo. Thus, Caputo also fails to anticipate independent claim 28.

The controller of independent claim 33 includes a receiving circuit to receive data and associated security control information. The security control information identifies at least one of an encryption algorithm and an authentication algorithm to be performed on the data. Additionally, the controller of independent claim 33 includes a cryptographic engine to cryptographically process the data based on the security control information. The cryptographic engine is, as recited in claim 33, a computer peripheral device.

Caputo fails to teach or even suggest the security information of claim 33. In this regard, the mere recognition that different security and authentication algorithms may be implemented in a particular device fails to teach or suggest security information that identifies at least one of an encryption algorithm and an authentication algorithm, as expressly recited in claim 33. Thus, Caputo fails to anticipate claim 33.

Claims 2-7, 17-20, 29-32 and 34-37 are patentable for at least the reason that these claims depend from allowable claims.

#### § 102 Rejections of Claims 13-15:

The article of independent claim 13 includes a machine-readable storage medium that contains instructions for execution in a system that includes a computer peripheral device that is adapted to control communications with a communications channel. The instructions when executed cause the system to receive a data block from the computer peripheral device and determine from information in the data block if a security service has been performed on the data block by the computer peripheral device. The instructions when executed also cause the system

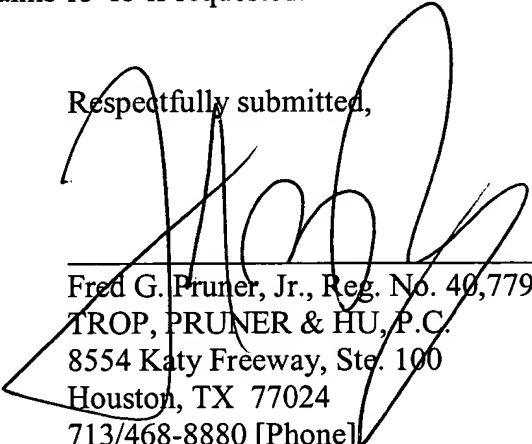
to process the data block if the security service has not been performed on the data block by the computer peripheral device.

Claim 13 stands rejected under 35 U.S.C. § 102 in view of Abadi. However, the Examiner fails to consider the specific limitations of claim 13 and set forth a *prima facie* case of anticipation. More specifically, the Examiner fails to address where Abadi allegedly teaches determining from information in a data block if a security service has been performed and processing the data block if the security service has not been performed.

Claims 14 and 15 are patentable for at least the reason that these claims depend from an allowable independent claim. Therefore, for at least the reasons that are set forth above, withdrawal of the § 102 rejections of claims 13-15 is requested.

Respectfully submitted,

Date: October 10, 2005



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